

1 CHERYL W. HSU (SBN 217083)
Staff Counsel
2 Emergency Medical Services Authority
10901 Gold Center Drive, Suite 400
3 Rancho Cordova, CA 95670
(916) 322-4336, ext. 468
4 Fax: (916) 322-1441
5 cheryl.hsu@emsa.ca.gov

6
7
8 BEFORE THE
EMERGENCY MEDICAL SERVICES AUTHORITY
STATE OF CALIFORNIA
9

10)
11 In the Matter of the Emergency Medical) Enforcement Matter No.: 17-0216
Technician- Paramedic License Held by:) OAH No. 2018081048
12)
13 **CLAUDE A. TABOR,**) **DEFAULT DECISION AND ORDER**
License No. P25987) **{Gov, Code, §11520}**
14)
Respondent)

15
16 **SUMMARY**

17 The Director of the California Emergency Medical Services Authority (EMS Authority)
18 decides this matter without a hearing in accordance without the default provisions of California
19 Government Code Section 11520. In rendering this decision, the Director considered the
20 contents of the Authority's official records in addition to official records of other public
21 agencies.

22 For the reasons that follow, Respondent **CLAUDE A. TABOR**, Emergency Medical
23 Technician-Paramedic (EMT-P) license No. P25987 is revoked for good cause pursuant to the
24 provisions of the California Emergency Medical Services System and the Prehospital
25 Emergency Medical Care Personnel Act (EMS Act: Health & Saf. Code, § 1797 et seq).

1 Specifically, on or about May 9, 2016, in Los Angeles County Superior Court, Case No.
2 LA086928, by his plea of nolo contendere, to felony violations of Penal Code Sections 646.9(a),
3 Stalking, and 422(1), Criminal Threats. Respondent was sentenced to complete probation, 50
4 days of Caltrans service, 52 weeks of domestic violence counseling, a drug rehabilitation
5 outpatient program, and to obey a protective order issued for the victim.

6 Respondent's actions violate the following provisions of EMS Act Section 1798.200,
7 subdivision (c), and warrant revocation of his EMT-P license.

8 (6) Conviction of any crime which is substantially related to the qualifications,
9 functions, and duties of prehospital personnel. The record of conviction or a certified
10 copy of the record shall be conclusive evidence of the conviction.

11 1. The EMS Authority conducted an investigation of the arrest and conviction described
12 above and determined that Respondent had been convicted of stalking and criminal threats, a
13 violation of Section 1798.200(c)(6) in that he was convicted of crimes that are substantially
14 related to the qualifications, functions, and duties of prehospital personnel.

14 **PARTIES**

15 2. Sean Trask (Complainant), Chief of the California Emergency Medical Services
16 Authority (Authority) EMS Personnel Division, filed the Accusation in this matter in his official
17 capacity.

18 3. At all times here relevant, Respondent held Emergency Medical Technician-
19 Paramedic ("EMT-P") license number P25987 that was first issued on April 14, 2008, and his
20 license lapsed on April 30, 2018.

21 **PROCEDURAL FINDINGS**

22 4. The administrative adjudication provisions of the California Administrative
23 Procedure Act (Gov. Code, §§ 11500 – 11529) apply to this proceeding against Respondent's
24 EMT-P license (EMS Act, § 1798.200, subd. [b]).

25 ///

1 5. On April 11, 2018, the EMS Authority served the following documents upon
2 Respondent in accordance with Government Code Section 11505: Accusation seeking
3 revocation of Respondent's EMT-P license; Statement to Respondent; Notice of Defense form;
4 copies of Government Code Sections 11507-.5, 11507.6 and 11507.7; and Request for
5 Discovery, Service on Respondent was made by U.S. Certified Mail, postage prepaid, at
6 Respondent's address of record on file with the EMS Authority.

7 6. The EMS Authority's regulations require EMT-P licensees to notify the Authority of
8 their proper and current mailing address:

9 The paramedic shall be responsible for notifying the Authority of her/his proper and
10 current mailing address and shall notify the Authority in writing within thirty (30) calendar days
11 of any and all changes of the mailing address, giving both the old and the new address, and
12 paramedic license number.

13 (Cal. Code Regs., Tit. 22, § 100165, subdivision [g])¹

14 7. Service of the Accusation upon Respondent by registered mail was effective under
15 Government Code Section 11505, subdivision (c), which states in relevant part:

16 Service by registered mail shall be effective if a statute or agency rule requires
17 the respondent to file the respondent's address with the agency and to notify
18 the agency of any change, and if the letter containing the accusation and
19 accompanying material is mailed, addressed to the respondent at the latest
20 address on file with the agency.

21 8. On August 28, 2018, the EMS Authority served the following documents upon
22 Respondent in accordance with Government Code Section 11505: Notice of Hearing provided
23 notice that a hearing would take place on February 4, 2019, at 9:00 a.m., at the Office of
24 Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013.

25 9. The matter was called for hearing at the time, time and location set forth in the Notice
of Hearing. Service of the Notice of Hearing was proper. There was no appearance by or on
behalf of Respondent. On February 4, 2019, at 10:10 a.m., a default was declared. Agency
counsel moved for remand of the matter for Agency action and in accordance with the default

1 provisions of Government Code Section 11520, subdivision (a):

2 If the respondent either fails to file a notice of defense or to appear at the
3 hearing, the agency may take action based upon the respondent's express
4 admissions or upon other evidence and affidavits may be used as evidence
without any notice to respondent.

5 10. Based upon Respondent's failure to appear at the hearing, the Agency's motion was
6 granted, and the matter remanded to the Agency under Government Code Section 11520.

7 **GOVERNNING STATUTES AND REGULATIONS**

8 11. The Authority has sole jurisdiction over EMT-P licensure and licensure renewal in
9 California (EMS Act, § 1797.172, subd. [c]).

10 12. Section 1798.200 of the EMS Act authorizes the Authority to take disciplinary action
11 against an EMT-P license or to deny a license for acts deemed to constitute a threat to the public
12 health and safety. In relevant part, Section 1798.200 declares:

13 (b) The authority may deny, suspend, or revoke any EMT-P license issued under
14 this division or may place any EMT-P licenseholder on probation upon the
15 finding by the director of the occurrence of any of the actions listed in
subdivision (c).

16 (c) Any of the following actions shall be considered evidence of a threat to the
17 public health and safety and may result in the denial, suspension or revocation
of a certificate or license issued under this division, or in the placement on
probation of a certificate or licenseholder under this division:

18 (6) Conviction of any crime which is substantially related to the
19 qualifications, functions, and duties of prehospital personnel. The record of
20 conviction or a certified copy of the record shall be conclusive evidence of
the conviction.

21 13. California Code of Regulations, Title 22, Section 100175, states the criteria for
22 determining when a crime or act is substantially related to an EMT-P's qualifications, functions,
23 or duties:

24 Substantial Relationship Criteria for the Denial, Placement on Probation, Suspension, or
25 Revocation of a License.

1 (a) For the purposes of denial, placement on probation, suspension, or
2 revocation, of a license, pursuant to Section 1798.200 of the Health and Safety
3 Code, or imposing an administrative fine pursuant to Section 1798.210 of the
4 Health and Safety Code, a crime or act shall be substantially related to the
5 qualifications, functions and/or duties of a person holding a paramedic license
6 under Division 2.5 of the Health and Safety Code. A crime or act shall be
7 considered to be substantially related to the qualifications, functions, or duties of
8 a paramedic if to a substantial degree it evidences present or potential unfitness
9 of a paramedic to perform the functions authorized by her/his license in a manner
10 consistent with the public health and safety.

11 (b) For the purposes of a crime, the record of conviction or a certified copy of the
12 record shall be conclusive evidence of such conviction. "Conviction" means the
13 final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo
14 contendere.

15 Sections 100174(a)(3) and 100174(a)(4) provide, in pertinent part:

16 "The Authority shall deny/revoke a paramedic license, if any of the following
17 apply to the applicant:....(3) Has been convicted of two (2) or more felonies.
18 (4) Is on parole or probation for any felony."

19 Section 100174(b)(2) provides, in pertinent part:

20 "The Authority shall deny/revoke a paramedic license, if any of the following
21 apply to the applicant: (2) Has been convicted and released from incarceration
22 for said offense during the preceding ten (10) years for any offense punishable as
23 a felony.

24 **FACTUAL FINDINGS**

25 14. On January 30, 2018, in Los Angeles County Superior Court, Case No. LA086928,
by his plea of nolo contendere, Respondent was convicted to felony violations of Penal Code
Sections 646.9(a), Stalking, and 422(a), Criminal Threats. Respondent was sentenced to
complete probation, 50 days of Caltrans service, 52 weeks of domestic violence counseling, a
drug rehabilitation outpatient program, and to obey a protective order issued for the victim.

26 **LEGAL CONCLUSIONS**

27 15. As detailed in the Factual Findings above, Respondent was convicted of a crime that
28 is substantially related to the qualifications, functions, and duties of prehospital personnel, in
29 violation of Health and Safety Code Section 1798.200, subdivision (c)(6), as the conviction of

1 any crime that is substantially related to the qualifications, functions, and duties of prehospital
2 personnel which demonstrates present or potential unfitness of a paramedic to perform the
3 functions authorized by the EMT-P license in a manner consistent with the public health and
4 safety.

5 16. Respondent's actions require the Authority to revoke a paramedic license under
6 California Code of Regulations, Title 22, Division 9, Chapter 4, Article 9, Section 100174(a)(3),
7 (a)(4), and (b)(2) for anyone that has been convicted of two or more felonies, is on parole or
8 probation for any felony offense, or has been convicted of any offense punishable as a felony
9 within the preceding ten (10) years.

10 17. The record establishes clear and convincing evidence that Respondent,
11 CLAUDE A. TABOR, committed acts that demonstrate he is unfit to perform the functions
12 authorized by an EMT-P license in a manner consistent with the public health and safety,
13 warranting revocation of his EMT-P license under EMS Act Section 1798.200.

14 **ORDER**

15 Emergency Medical Technician-Paramedic license number P25987, issued to
16 Respondent CLAUDE A. TABOR, is hereby revoked. This decision shall become effective 20
17 days after the date below.

18 IT IS SO ORDERED:

19
20 Dated: February 5, 2019

21 
22 _____
23 Howard Backer, MD, MPH, FACEP
24 Director, Emergency Medical Services Authority
25 State of California



OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA
GENERAL JURISDICTION DIVISION

For more information visit
www.dgs.ca.gov/oah

FINDINGS AND DECLARATION OF DEFAULT; ORDER OF REMAND
(Gov. Code § 11520)

Case Name <u>Acc'n v. CLAUDE A. DABOR</u>		OAH Case Number <u>2018081048</u>
Name of Agency <u>EMERGENCY Medical Services Authority</u>		Agency Case Number <u>17-0216</u>
Agency Attorney <u>CHeryl W. Hsu</u>	Respondent/Appellant/Petitioner <u>CLAUDE A DABOR</u>	Respondent/Appellant/Petitioner Attorney <u>n/a</u>

FINDINGS

A Notice of Hearing dated Aug 28, '18 was served on Respondent/Appellant/Petitioner on August 28, '18.

The Notice of Hearing was served on Respondent/Appellant/Petitioner by (method of service)

Certified Mail Regular US Mail Other _____

at (address of service)

- The address provided by Respondent Appellant/Petitioner in the Notice of Defense
- The address maintained by the Agency as the Address of Record for Respondent/Appellant/Petitioner
- Other address provided by Respondent/Appellant/Petitioner

The Notice of Hearing provided notice that a hearing would take place on (date) Feb. 4, '19 at (time) 9:00 AM
at (location):

- SACRAMENTO
2349 GATEWAY OAKS DR., SUITE 200
SACRAMENTO, CA 95833
Phone 916-263-0550 FAX 916-376-6349
- LOS ANGELES
320 WEST FOURTH STREET, SUITE 630
LOS ANGELES, CA 90013
Phone 213-576-7200 FAX 916-376-6324

- OAKLAND
1515 CLAY STREET, SUITE 206
OAKLAND, CA 94612
Phone 510-622-2722 FAX 916-376-6323
- SAN DIEGO
1350 FRONT STREET, ROOM 3005
SAN DIEGO, CA 92101
Phone 619-525-4475 FAX 916-376-6325

OTHER LOCATION: _____

The matter was called for hearing at the date, time and location set forth in the Notice of Hearing. Counsel for the Agency appeared for hearing. Service of the Notice of Hearing was proper.

There was no appearance by or on behalf of Respondent/Appellant/Petitioner. At (time) 10:10 AM a default was declared.

Agency counsel has moved for remand of the matter for Agency action under Government Code section 11520.

ORDER OF REMAND

Based upon Respondent/Appellant/Petitioner's failure to appear at the hearing, the Agency's motion is granted. This matter is remanded to the Agency under Government Code section 11520.

DATED: <u>February 4, '19</u>	ADMINISTRATIVE LAW JUDGE (Print): <u>Joseph D. Montoya</u>	ADMINISTRATIVE LAW JUDGE (Signature):
----------------------------------	---------------------------------------------------------------	-------------------------------------------